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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,584	08/01/2003	Ye-Gang Lin	130804-2	5006

7590 03/18/2005
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EXAMINER	
SZEKELY, PETER A	
ART UNIT	PAPER NUMBER
1714	

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/632,584

Applicant(s)

LIN ET AL.

Examiner

Peter Szekely

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6,7,9 and 11-17 is/are rejected.
- 7) ☒ Claim(s) 5,8 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/1/03, 6/14/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Flame retardant having tetra alkyl phosphonium cations (claim 5) cannot be found in the specification.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 6, 7, 9 and 11-17 are rejected under 35 U.S.C. 102(b or e) as being anticipated by Walsh 5,589,530, Gallagher et al. 5,674,931, Takagi 6,355,767, Miyamoto et al. 6,512,077, Rajagopalan et al. 6,518,357 or Hashimoto et al. 2003/0004251.

4. Walsh discloses phosphorus oxo acids in claims 1 and 10, polycarbonates in claim 12, flame retardants in claim 15, pigments in claim 16 phosphorus acid concentrations in column 5, lines 40-44, glass fibers in column 6, lines 25-30, different flame retardants I column 7, lines 1-15, PTFE in column 7, lines 16-22 and pentaerythritol tetrastearate in the Tables. Gallagher et al. teach polycarbonate in claim 6, PTFE in claim 7, phosphorus oxo acids in claim 8, flame retardants in claim 1, titanium dioxide in column 3, line 50, glass fibers, lubricants and colorants in column 7, lines 52-57 and acid concentrations in the paragraph overlapping columns 7 and 8.

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Takagi recites polycarbonate in claim 1, reinforcing fillers in claim 2, flame retardants in claim 3, phosphorus oxo acids in the paragraph overlapping columns 9 and 10, mold releases in column 10, lines 50-61, glass fibers in column 12, lines 15-18, pigments in column 10, lines 23-24, perfluoroalkane sulfonate salts in column 10, lines 49-62, flame retardant concentrations in column 13, lines 50-54 and PTFE in column 14, lines 56-60. Miyamoto et al. divulge polycarbonate and flame retardant in claim 1, PTFE in claim 9, PTFE in column 20, lines 5-14, phosphorus oxo acids column 20, lines 38-39, glass fibers in column 20, line 42 and lubricants and colorants in column 20, lines 51-52. Rajagopalan et al. reveal polycarbonate and flame retardants in claim 1, PTFE in claim 18, glass fibers in column 7, lines 29-32, phosphorus oxo acids and their concentration in column 8, lines 14-37 and auxiliary flame retardants in column 8, lines 40-67. Hashimoto et al. display polycarbonate in claim 1, Flame retardants in claim 15, blend of polycarbonates in paragraph 0045, mold releases in paragraph 0110, perfluoroalkane sulfonate salts in paragraph 0126 and 0129, PTFE in paragraph 0135, glass fibers and titanium dioxide in paragraph 0140, pigment and release agent in paragraph 0142 and phosphorus oxo acids and their concentrations in paragraphs 0143-0145. The flame retardance is inherent in the composition. Applicants' claims are not novel.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-4, 6, 7, 9 and 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh 5,589,530, Gallagher et al. 5,674,931, Takagi 6,355,767, Miyamoto et al. 6,512,077, Rajagopalan et al. 6,518,357 or Hashimoto et al. 2003/0004251.

8. All references have been discussed already. It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to select phosphorus oxo acids and perfluoroalkane sulfonate salts from a list of equivalents.

Allowable Subject Matter

9. Claims 5, 8 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Szekely whose telephone number is (571) 272-1124. The examiner can normally be reached on 7:00 a.m.-5:30 p.m. Tuesday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Peter Szekely
Primary Examiner
Art Unit 1714

P.S.
3/14/05